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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,813	12/31/2001	Michael F. Brenner	TI-30637	9073
23494	7590	01/07/2005		
TEXAS INSTRUMENTS INCORPORATED				
P O BOX 655474, M/S 3999				
DALLAS, TX 75265				
			EXAMINER	
			TRINH, HOA B	
			ART UNIT	PAPER NUMBER
			2814	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,813

Applicant(s)

BRENNER ET AL.

Examiner

Vikki H. Trinh

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1-23 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al. (6,335,224) (hereinafter Peterson).

As to claims 1, 19-23, a method of fabricating a micromechanical structure, the method comprising fabricating at least two micromechanical structures 24 on a substrate 10; overcoating said micromechanical structures with a protective layer 14; overcoating said protective layer with a brittle layer (col. 8, lines 65-67) to protect the substrate 10 ; and sawing said brittle layer and said protective layer (col. 8, lines 55-60) to separate the devices (col. 8, lines 52-58). See fig. 2D.

As to claims 2-6, the fabricating comprising fabricating at least two micromechanical devices 24 on a semiconductor substrate 10. See fig. 2D.

As to claim 7, the overcoating with a protective layer 14 comprising overcoating with a plastic layer (col. 5, lines 23-35; col. 6, lines 50-60).

As to claims 8-9, the overcoating step with a protective layer 14 comprising overcoating with a PARYLENE layer. (col. 5, lines 23-35).

As to claim 10, the overcoating with a protective layer comprising overcoating with a acrylate monomer layer. (col. 5, lines 8-35).

As to claim 11, said overcoating with a protective layer 14 comprising overcoating with a acrylate oligomer layer. (col. 5, lines 6-40).

As to claim 12, said overcoating with a protective layer comprising applying a protective overcoat by vapor deposition. See col. 5, lines 20-30.

As to claim 13, said overcoating with a protective layer 14 comprising applying a protective overcoat by immersing said substrate in a liquid protective overcoat material. See col. 7, lines 15-30.

As to claim 14, said overcoating with a protective layer comprising applying a protective overcoat by spinning-on a protective overcoat layer. See col. 8, lines 26-40.

As to claim 15, 18, the step includes thermally curing said protective layer 14. See col. 6, lines 9-15.

As to claim 16, 19, curing the protective layer 14 using ultraviolet light. See col. 6, lines 1-15.

As to claim 17, said overcoating with a brittle layer comprising overcoating with a photoresist layer 26. See col. 8, lines 1-5.

Response to Arguments

3. Applicant's arguments filed Nov. 01, 2004, have been fully considered but they are not persuasive.

In the remarks, applicant argues the rejection of claim 1 under 35 U.S.C. section 102 that Peterson does not meet all of the elements as claimed. However, as stated in the above, Peterson

Art Unit: 2814

applies to claim 1 as follows: a method of fabricating a micromechanical structure, the method comprising fabricating at least two micromechanical structures 24 on a substrate 10; overcoating said micromechanical structures with a protective layer 14; overcoating said protective layer with a brittle layer (col. 8, lines 65-67) to protect the substrate 10 ; and sawing said brittle layer and said protective layer (col. 8, lines 55-60) to separate the devices (col. 8, lines 52-58). See fig. 2D. Note, Peterson should be interpreted as a whole and not partially. Further, it is noted that the protecting layer and the brittle layer have equivalent functions as the coating and masking layers. Thus, Peterson meets the language of claim 1, as claimed, thereby providing all of the limitation of the present invention.

Accordingly, the rejection is maintained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

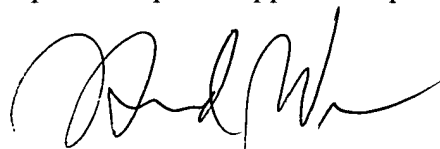
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (571) 272-1719. The Examiner can normally be reached from Monday-Friday, 9:00 AM - 5:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (571) 272-1705. The office fax number is 703-872-9306.

Any request for information regarding to the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Also, status information for published applications may be obtained from either Private PAIR or Public Pair. In addition, status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. If you have questions pertaining to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Lastly, paper copies of cited U.S. patents and U.S. patent application publications will cease to be mailed to applicants with Office actions as of June 2004. Paper copies of foreign patents and non-patent literature will continue to be included with office actions. These cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. patent or patent application publications will not be granted.

Vikki Trinh,
Patent Examiner
AU 2814



HOWARD WEISS
PRIMARY EXAMINER